IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

WP(C).No. 29561 of 2007(T)

PETITIONERS:
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1. **K.M.JAYABHARATHI, AGED 60 YEARS**
   PUTHANPURAYIL HOUSE
   NARAYANANAGARAM P.O.
   VADAKARA.

2. **K.M.JAYADEVAN**
   KULAMUTTATHIL HOUSE,PUTHUPANAM
   VADAKARA.

3. **K.M.RAMESHAN,KULAMUTTATHIL HOUSE,**
   PUTHUPANAM,VADAKARA.

4. **K.M.REMADEVI, KIRAN HOUSE,**
   RAYARANGOTH P.O.,K.T.BAZAR,MADAPALLY.

BY ADV. SRI.V.S.CHANDRASEKHARAN
SMT.LEKSHMI SWAMINATHAN

RESPONDENTS:
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1. **SPECIAL TAHSILDAR (LA) NH**
   KOZHIKODE.

2. **THE DISTRICT COLLECTOR**
   KOZHIKODE.

BY GOVERNMENT PLEADER SRI.BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/11/2007, ALONG WITH WPC NO. 29567 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

W.P.(C) Nos. 29561 & 29567 of 2007

Dated this the 19th November, 2007.

J U D G M E N T

The prayer in both these writ petitions are to issue a direction to the first respondent to consider and refer the claim of the petitioners under Section 18 of the Land Acquisition Act to the Sub Court having jurisdiction. In both these cases, petitions for claiming enhancement under Section 18 of the Land Acquisition Act were filed after the expiry of the time limit fixed by the statute. The learned Government Pleader, on instructions, submits that the petitioner in W.P.(C) No.29561/2007, took back the application, as it was filed after the time limit. It is settled position of law that neither the Land Acquisition Officer nor this Court can enlarge the time limit fixed for filing an application under Section 18 of the Land Acquisition Act. Further, in case, any land owner whose land was also acquired under the same award has already made a reference under Section 18 of the

Land Acquisition Act claiming enhancement in the compensation, petitioners can file application under Section 28A of the Land Acquisition Act. Hence, these writ petitions are only to be dismissed.

In the result, these writ petitions are dismissed, subject to the above observation.

K.PADMANABHAN NAIR,
JUDGE

nj.